



W.P.No.25118 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25118 of 2014

and

M.P.Nos.1 & 2 of 2014

K.Gunanidhi

...Petitioner

-Vs-

1.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

2.Secretary to the Government,
Law Department,
Fort St. George, Secretariat,
Chennai - 600 009.

3.Director of Legal Studies,
Kilpauk,
Chennai - 600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the impugned notification issued by the first respondent in Advt.No.04/2014 dated 22.07.2014 as null and void and non-est in the eyes of law and further direct the respondents to re-issue fresh advertisement by earmarking the vacancies for the Schedule Tribe Community.



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For Petitioner : Mr.K.S.Karthik Raja
For R1 : Mr.C.Kathiravan,
Special Government Pleader
For R2 & R3 : Mr.S.Prabhakaran,
Government Advocate

ORDER

The writ petition is filed questioning the recruitment notification dated 22.07.2014 issued for direct recruitment of Lecturers in Government Law Colleges for the year 2013-2014.

2. The grievance of the petitioner is that no reservation has been provided for Scheduled Tribe Community in the notification and therefore, the notification is liable to be set aside.

3. The learned Special Government Pleader appearing for the first respondent made a submission that the selection process was completed and the selected persons were appointed.

4. It is relevant to note that this Court, in the case of ***Swaathi Priya.G. Vs. State of Tamil Nadu, Education Department reported in (2019) 4 MLJ 351***, has elaborately considered the principles to be followed for reservation and a direction was issued



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that while implementing the Rule of Reservation, the appointments already made pursuant to the two recruitments of the years 2010-2011 and 2013-2014 need not be disturbed. However, the adjustments, if any are to be made in order to comply with the Rule of Reservation, is to be done with reference to the current selection list which was under preparation at the relevant point of time when the said judgement was delivered.

5. This Court is of the considered opinion that the authorities are bound to follow the Rule of Reservation, more specifically, Vertical and Horizontal Reservation as well as the 200 point roster system for the purpose of filling up the post of Lecturers in Government Law Colleges. However, the process of recruitment was concluded in the year 2014 itself and thus, the impugned notification cannot be set aside at this length of time, more so, after a lapse of about 8 years.

6. However, it is made clear the respondents are bound to follow the Rule of Reservation, more specifically, as contemplated under the rules for appointments without any violation.



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S.M.SUBRAMANIAM, J.

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7. With the above clarification, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes
Internet:Yes
Speaking order
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To

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